IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL REVISION APPLICATION No 705 of 2004

For Approval and Signature:

HON'BLE MR.JUSTICE J.R.VORA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

SUYOG YOGESHBHAI DESAI

Versus

THE STATE OF GUJARAT

Appearance:

1. Criminal Revision Application No. 705 of 2004

MR HRIDAY BUCH for Petitioner No. 1

MR PRADIP D BHATE APP for Respondent No. 1

MR NIGAM SHUKLA for Respondent No. 2

CORAM : HON'BLE MR.JUSTICE J.R.VORA

Date of decision: 01/11/2004

ORAL JUDGEMENT

1. RULE. Waived by learned APP Mr. Pradip D Bhate

for the respondent No.1 State and learned Advocate Mr. Nigam Shukla for respondent No.2.

2. This Criminal Revision Application is filed against an order passed by learned Additional Sessions Judge, Court No.4 (Special) for CBI Cases at Navrangpura, Ahmedabad, by which learned Trial Judge dismissed the CBI Criminal Misc. Application No. 3 of 2004, filed by the present petitioner for the custody of his Passport and the amount of Rs.1 lac seized by the Police from the custody of one Vatsal Patel while he was travelling by a Vehicle No.GJ-1 HB 2075.

3. However, the present petitioner claimed that his Passport nor he himself was involved in any crime and explained properly about the amount of Rs. 1 lac given to Shri Vatsal Patel, and explanation was also given in the Application that Shri Vatsal Patel being Travelling Agent, he was requested by the applicant to book tickets of foreign tours on behalf of the present petitioner, and thus the amount of Rs.1 lac and the Passport of the petitioner were in possession of Shri Vatsal Patel as handed over to Vatsal Patel by the petitioner, which came to be seized by respondent No.2 Investigating Agency.

4. After hearing learned Advocates for the parties, it appears that in the facts and circumstances of the case, it would be in the interest of justice and in view of what is stated by the petitioner in his Application No. CBI - Criminal Misc. Application No. 3 of 2004, to hand over the custody of the Passport and the amount of Rs.1 lac seized from Shri Vatsal Patel to the present petitioner on certain conditions.

5. In above view of the matter, this Criminal Revision Application is allowed. The order impugned in this Revision Application passed below CBI - Criminal Misc. Application No.3 of 2004 is set aside. The said CBI - Criminal Misc. Application No.3 of 2004 is allowed. The custody of Passport of the present petitioner is directed to be handed over to the petitioner on the condition that whenever the petitioner uses his Passport, he shall inform his travel itinerary to the Investigating Agency i.e. Respondent No.2. It is also directed that the amount of Rs.1 lac, seized as aforesaid, shall also be handed over to the petitioner on his furnishing personal bond of Rs. 1,00,000/- before the Trial Court with condition that he shall produce the amount of Rs. 1,00,000/- before the Trial Court whenever the Trial Court so directs. Rule is made absolute. DS permitted.

(J.R. Vora, J.)

p.n.nair